

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IMPLICIT NETWORKS, INC.,

PLAINTIFF,

v.

JUNIPER NETWORKS, INC.,

DEFENDANT.

CASE No. C 10-4234 SI

**DECLARATION OF NIMA HEFAZI IN SUPPORT OF
JUNIPER NETWORKS, INC.'S MOTION FOR SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT,
ON THE ISSUE OF INVALIDITY**

I, Nima Hefazi, hereby declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP and am counsel for Defendant Juniper Networks, Inc. ("Juniper") in the above-captioned matter. I am a member in good standing of the State Bar of California and have been admitted to practice before the Court. I have personal knowledge of the matters set forth in this Declaration and, if called as a witness, could testify competently to such facts under oath.

2. Attached hereto as Exhibit 1 is a copy of the Court's Claim Construction Order dated February 29, 2012.

3. Attached hereto as Exhibit 2 is a copy of Implicit's Disclosure of Asserted Claims and Infringement Contentions dated May 23, 2011.

4. Attached hereto as Exhibit 3 is a copy of the first forty-eight pages of Exhibit C to Implicit's Disclosure of Asserted Claims and Infringement Contentions dated May 23, 2011. The pages are a claim chart of the '163 patent, claim 1 prepare by Implicit pursuant to Patent Local Rule 3-1 (c).

1 5. Attached hereto as Exhibit 4 is a copy of a report entitled “JUNOS Analysis” that
2 was prepared by Implicit’s software consultant, Pavel Treskunov (“the Treskunov Report”). The
3 report bears Bates numbers IMP141451 – IMP141480 and purports to describe the functionality of
4 the Multi-Services Products.

5 6. Attached hereto as Exhibit 5 is a copy of excerpts from Scott Nettles, Ph.D.
6 deposition transcript dated October 9, 2012.

7 7. Attached hereto as Exhibit 6 is a copy of excerpts from Todd Regonini deposition
8 transcript dated August 14, 2012.

9 8. Attached hereto as Exhibit 7 is a copy of excerpts from Scott Nettles, Ph.D.
10 deposition transcript dated October 19, 2012.

11 9. Attached hereto as Exhibit 8 is a copy of Appendix A to Scott Nettles, Ph.D. Expert
12 Report dated August 15, 2012.

13 10. Attached hereto as Exhibit 9 is a copy of excerpts from Krishna Narayanaswamy
14 deposition transcript dated September 20, 2011.

15 11. Attached hereto as Exhibit 10 is a copy of excerpts from the Peter Alexander
16 deposition transcript dated October 16, 2012.

17 12. Attached hereto as Exhibit 11 is a copy of the letter from Hefazi to Hosie dated
18 February 15, 2012.

19 13. Attached hereto as Exhibit 12 is a copy of the letter from Hefazi to Hosie dated
20 March 2, 2012.

21 14. Attached hereto as Exhibit 13 is a copy of JUNOS OS: The Power of One
22 Operating System.

23 15. Attached hereto as Exhibit 14 is a copy of excerpts from Oliver Tavakoli deposition
24 transcript dated June 19, 2012.

25 16. Attached hereto as Exhibit 15 is a copy of excerpts from Stefan Dyckerhoff
26 deposition transcript dated July 27, 2012.

27 17. Attached hereto as Exhibit 16 is a copy of excerpts from the IDP Series Guide date
28 May 5, 2011. The guide describes the functionality of the non-accused IDP family of products.

1 18. Attached hereto as Exhibit 17 is a copy of the *Ex Parte* Reexamination Certificate
2 for U.S. Patent No. 6,629,163, issued on June 22, 2010.

3 19. Attached hereto as Exhibit 18 is a copy of U.S. Patent No. 7,711,857, issued on
4 May 4, 2010.

5 20. Attached hereto as Exhibit 19 is a copy of excerpts from Edward Balassanian
6 deposition transcript dated August 16, 2012.

7 21. Attached hereto as Exhibit 20 is a copy of excerpts from Implicit's Response in the
8 '857 Reexam dated July 10, 2012.

9 22. Attached hereto as Exhibit 21 is a copy of excerpts from Implicit's Response in the
10 '163 Reexam dated June 4, 2012.

11 23. Attached hereto as Exhibit 22 is a copy of excerpts from Implicit's Sixth
12 Supplemental Response to Juniper's Second Set of Interrogatories dated July 27, 2012.

13 24. Attached hereto as Exhibit 23 is a copy of Exhibit 3 to the Scott Nettles, Ph.D.
14 Expert Report dated August 15, 2012.

15 25. Attached hereto as Exhibit 24 is a copy of excerpts from the Claim Construction
16 Hearing Transcript in this matter held on January 19, 2012.

17 26. Attached hereto as Exhibit 25 is a copy of a document from Implicit's production
18 entitled "Response (6-22-2012) bearing Bates numbers IMP141520 – IMP141521. The document
19 contains Pavel Treskunov's responses to questions posed by Implicit's counsel regarding certain
20 of Juniper's non-infringement arguments.

21 27. Attached hereto as Exhibit 26 is a copy of a document from Implicit's production
22 bearing Bates numbers IMP141522 – IMP141524. The document is a claim chart for the '163
23 patent (with commentary) authored by Pavel Treskunov.

24 28. Attached hereto as Exhibit 27 is a copy of the Scott Nettles, Ph.D. Expert Report
25 dated August 15, 2012.

26 29. Attached hereto as Exhibit 28 is a copy of excerpts of Implicit's Amended
27 Infringement Contentions dated June 7, 2012.
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true.

3 Executed this 9th day of November, 2012 at Newport Beach, California.

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5 */s/ Nima Hefazi*

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Nima Hefazi
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